App. F. IX-4

Previous References.

1949-50
(CB)

File No. 351-49

Serial Nos. 1~2

Later References.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 2

Part B for Jan 50.

SUBJECT

Acquisition by Ruling Princes and Chiefs of Residential and non-Residential Property in the Chief Commissioners Provinces in Cutch.

No. 9336/CB

D. 17.1.50

To

The Secretary.

to U.O. No.

Jan 3/6/50

General and Revenue Secretariat

Acquisition of properties by ruling Princes & Chiefs Commissioner Berar Province

File No. 2835 of 195 [App. F. III—2

Serial No.

No. F 140(3) -W/49

dy 27-12-49 from the Health Ministry, Govt of India forwarding a copy of circular letter No F 21-17 dy 31-10-49 re acquisition of properties by ruling princes in Chiefs Commissioners Provinces.

1) Remarks of Chief dy

Copy to PS to H/M

To be put up to Chief Minister for perusal.

Sd K-S
30/12

2) Draft and fair forwarding to PS to H/M is noted.

CKP
16/1/50

3) Issued

DMR
16/1/50

Office of the Chief Minister
No. 5903
Date of Receipt 19/1/50

CHIEF SECRETARY 6725 23 FEB 1950 GOVT OF MYSORE

16.1.50.

No 9336/CB dy 17-1-50 to the Private Secy to H/M.

4) Issued and symbol Chief Min)

CKP
17/1/50

DMR
18/1/50

17.1.50.

KRR
20/1

DMR
20/1/50.

NOTE—Contn. Sheet.

WD 4509—GBPM—1,000—28-10-40.

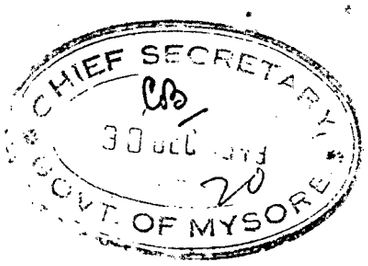
Sri ENR 2835
03

No. F.140(3)-W/49

A copy of the undermentioned paper is forwarded to:-

the Chief Secretary to the Government of Mysore,

Bangalore, for information and guidance.



M. N. Sengar
Under Secretary
to the Government of India.

Ministry of States
New Delhi
the 27th December 1949. 30/12/49

Circular letter from the Government of India in the Ministry of Health No. F.21-17/49-L.S.G, dated the 31st October 1949 with enclosure.

Copy of letter No. F.21-17/49-LSG, dated the 31st October, 1949 from the Deputy Secretary to the Government of India, Ministry of Health to all Chief Commissioners.

Subject:- Acquisition by Ruling Princes and Chiefs of Residential and non-Residential Property in the Chief Commissioners' Provinces in India.

I am directed to say that the Government of India have examined the question of acquisition by Ruling Princes and Chiefs of residential and non-residential property in the Chief Commissioners' Provinces and consider it necessary that the existing restrictions should be relaxed and modified in the following directions:-

(i) In view of the separation of the private property of Princes from State property, the condition, where it exists, that property when acquired by a Prince should be acquired as State property should be removed; and

(ii) There should not be any restriction on the acquisition of property by relatives of Rulers.

The Rules on the subject have been modified accordingly and a copy of the revised Rules is forwarded herewith for your information and guidance. The Government of India consider that hereafter consent for the acquisition of property by Princes should be given as a matter of course unless there are any reasons to the contrary.

RULES GOVERNING THE ACQUISITION OF RESIDENTIAL AND NON-RESIDENTIAL PROPERTY IN THE CHIEF COMMISSIONERS' PROVINCES BY THE RULING PRINCES AND CHIEFS.

1. Acquisition of residential property in New Delhi.- The previous consent of the Government of India is required for the acquisition, whether by purchase, mortgage or lease, by Ruling Princes and Chiefs, of residential property in New Delhi.

Such consent, will, however, be subject in all cases to the following conditions:-

(i) no transfer of the property will be effected, nor any encumbrance on it created, without the previous consent of the Government of India;

(ii) a responsible agent will be appointed in the locality in which the property is situated, with whom the authorities can correspond in case of need;

(iii) the property will not be used without the previous consent of the Government of India for purposes other than residential;

(iv) the property will in all respects be subject to the laws and rules in force.

The Government of India have no objection to benami acquisition provided that the previous consent of the Government of India is obtained and provided also that once the transaction is completed the Ruling Prince or Chief steps into his real position.

The above procedure does not extend to the prevention of the acquisition of residential property by dequest or succession. The question whether the individual beneficiary should be desired to divest himself of his proprietary rights in the property and, if so, in what manner and within what period, will be a matter for decision in each case with reference to the particular circumstances.

2. Acquisition of residential property in a Chief Commissioner's Province in general.

The Government of India have no objection to the acquisition by Ruling Princes and Chiefs, whether by purchase, mortgage or lease of immovable property for residential purposes in any part of a Chief Commissioner's Province other than New Delhi provided that previous intimation of the intention to acquire such property is given to them and that conditions (i), (ii), (iii), and (iv) of para 1 above are recognised and accepted.

3. Acquisition of non-residential property in a Chief Commissioner's Province by Ruling Princes and Chiefs.-

The acquisition by Ruling Princes and Chiefs or their heirs-apparent of non-residential property in a Chief Commissioner's Province should be subject to the terms and conditions mentioned in paragraphs 4 to 9 below.

"Non-residential property" means any immovable property, or interest in immovable property, which is not required for the residence of a Ruling Prince or Chief of his heir-apparent.

4. (1) A Ruling Prince or Chief or the heir-apparent of such Ruling Prince or Chief may acquire non-residential property in a Chief Commissioner's Province either in his own name or in the name of any other person only with the consent of the Government of India. Such consent should grdinarily be obtained before the acquisition but when this course is impracticable, the consent should be obtained within a reasonable time after the acquisition.

(2) A Ruling Prince or Chief or the heir-apparent of such Ruling Prince or Chief desiring to transfer by way of mortgage any such property in a Chief Commissioner's Province should obtain the previous consent of the Government of India.

5. (1) Notwithstanding anything hereinbefore contained, a Ruling Prince or Chief may acquire non-residential property in a Chief Commissioner's Province:-

(a) for the purpose of providing for his younger sons or relatives other than the heir-apparent, and

(b) for religious or charitable purposes.

An acquisition under this paragraph should be communicated to the Government of India immediately after the completion of the transaction.

(2) If, after the acquisition, the son or relative mentioned in clause (a) of sub-paragraph (1) above becomes the heir-apparent or succeeds to the gadi of a State, he should obtain the consent of the Government of India to his retention of the property.

6. (1) When a Ruling Prince or Chief acquires any non-residential property in a Chief Commissioner's Province in the name of another person he should within a reasonable time, cause such other person to execute a property document declaring the real ownership or transferring the property to the real owner.

(2) When the acquisition is for the purpose mentioned in paragraph 5(1) (a), the document by which such acquisition is made should be in favour of the beneficiary and when it is for any of the purposes mentioned in paragraph 5(1)(b), such document should disclose such purposes.

7. Ruling Princes or Chiefs or the heirs-apparent of such Ruling Princes or Chiefs shall ordinarily be entitled to retain any non-residential property which they may obtain by bequest or succession but in each case the Government of India should be informed. This does not apply to property originally acquired under paragraph 5, which will be governed by the provisions of that paragraph.

8. (1) Non-residential property acquired by Ruling Princes or Chiefs will, in all respects, be subject to the laws and rules in force in the Chief Commissioner's Province.

(2) An Agent, duly authorised and resident in or near the locality, should invariably be appointed to represent the Ruling Prince or Chief or the heir-apparent of such Ruling Prince or Chief in respect of his non-residential property in a Chief Commissioner's Province. Such agent will as regards the property be subject to the jurisdiction of the executive and judicial authorities in the Chief Commissioner's Province.

9. In the event of non-observance of any of the aforesaid terms or conditions or in case of refusal of the necessary consent, the Ruling Prince or Chief or the heir-apparent should, if desired to do so by the Government of India, dispose of the property in question within a reasonable time.

ANAND/-

9336/CB
Sec. I

17th January 50

The Private Secretary to His Highness
the Maharaja of Mysore, MYSORE.

Sir,

I am directed to forward herewith a copy of letter No.F.21-17/49-LSG dated the 31st December 1949 from the Secretary to the Government of India, Ministry of Health to all Chief Commissioners, sent with letter No.F.140(3)-W/49 dated 27th December 1949 from the Secretary to Government of India, Ministry of States, New Delhi, for information and guidance.

Yours faithfully,

Chief Secretary to Government.